REMARKS

This Amendment is in response to the Office Action mailed on September 17, 2004. Applicant wishes to thank the Examiner for his careful and thorough review. Claims 1-13 were pending. Claim 8 has now been canceled. Claims 1, 9, 10, and 12 have been amended for the sake of clarity. Claims 14-22 have been added.

Claims 1-13 have been rejected under 35 USC 102(e) as being anticipated by US 6,748,584 to Witchel et. al (Witchel). In view of the amendments to the amended independent Claims 1 and 12 and indirectly to their respective dependent claims and in consideration of the arguments below Applicant respectfully requests that the rejection under 102(e) be reconsidered and removed.

Claims 3-10 have been objected to as being dependent upon a rejected base claim, but the Examiner has indicated that these claims would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 3-10 now depend on amended Claim 1, which Applicant believes to be allowable and therefore Applicant respectfully requests that the objection be reconsidered and removed.

Claims 14-22 have been added. Claim 14 includes all of the limitations of original Claim 3 in independent form and is therefore believed allowable. Accordingly, its dependent claims 15-18 are also believed allowable. Claim 19 is similar to original Claim 8, but in independent form and is therefore believed allowable and also are its dependent Claims 20-22. Applicant respectfully requests early allowance of the new Claims 14-22.

Regarding the rejection of Claims 1-13 under 102(e), Witchel does not disclose Applicant's invention. It is a well-known axiom of patent law that for anticipation to occur all

of Applicant's specified limitations must be present. Amended Claim 1 specifies "selecting a first set of other candidate program codes have a predetermined number of member candidate program codes and wherein the predetermined number of member candidate program codes is a predetermined multiple of a number of distinct codes required." At least this limitation is not disclosed by Witchel. This limitation is present in amended claim 12 also. Since Claim 1 and 12 are the sole independent claims in the originally rejected Claims 1-13, this limitation is also present in the respective dependent claims of Claim 1 and 12, namely, Claims 2-7, 9-11, and 13. Accordingly, Applicant respectfully asserts that now pending Claims 1-7, 9-13 should be allowed and the rejection under 102(e) should be removed.

Early Allowance of all pending claims is hereby respectfully requested and notice thereof will be appreciated. In the event the Examiner deems personal contact desirable in the disposition of this case, the Examiner is invited to call the undersigned attorney at (508) 293-6985. Please charge all fees occasioned by this submission to Deposit Account No. 05-0889.

Respectfully submitted,

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